

The Senate Finance Committee offered the following substitute to SR 1024:

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide by local law for the creation and comprehensive regulation of education improvement districts; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII of the Constitution is amended by adding a new section to read as follows:

"SECTION VIII.

EDUCATION IMPROVEMENT DISTRICTS

Paragraph I. **Creation.** The General Assembly may by local law create one or more education improvement districts as provided in this section.

Paragraph II. **Purposes.** The purpose of an education improvement district shall be the provision of facilities needs of public schools or special schools established under Article VIII, Section V of this Constitution. Facilities needs may include construction of new school facilities, capital improvements to existing school facilities, or leasing of school facilities but shall not include maintenance and operation costs of such facilities.

Paragraph III. **Administration.** (a) Any education improvement district shall be comprised of a single, contiguous geographical area containing at least 500 acres, containing a population of at least 2,000 persons, and in which at least 10 percent of the total geographical area is used or is zoned for purposes other than residential uses.

(b) Any local law creating an education improvement district shall provide for the establishment and membership of an administrative body for the education improvement district.

(c) Any local law creating an education improvement district shall meet the regular requirements of enactment of local legislation except that such local law shall:

1 (1) Be signed only by all members of the General Assembly whose districts are wholly
2 or partially located within the education improvement district; and

3 (2) Be conditioned upon approval by 60 percent of the qualified electors residing
4 within the limits of the education improvement district voting in a referendum thereon.
5 Such referendum shall identify the specific facilities need or needs for which the ad
6 valorem taxes collected under subparagraph (d) of this Paragraph will be used. No other
7 facilities needs may be authorized or funded by the administrative body of the education
8 improvement district without approval by 60 percent of the qualified electors residing
9 within the limits of the education improvement district voting in a referendum thereon.
10 Any referendum held pursuant to this subparagraph shall only be conducted on the
11 Tuesday after the first Monday in November in odd-numbered years or on the date of the
12 presidential preference primary, general primary, or general election in even-numbered
13 years.

14 (d) The administrative body of each education improvement district may be authorized to
15 levy ad valorem taxes within the education improvement district only on real property and
16 specifically excluding tangible personal property and intangible property. Any such ad
17 valorem tax shall not apply to the homestead property of any person residing within the
18 education improvement district who is 65 years of age or older. Any ad valorem tax so
19 levied shall not exceed 1.0 mills per dollar or such lower limit as may be established by law.
20 Such taxes shall be used only for the purpose of providing facilities needs of public schools
21 or special schools. Any such tax shall be collected by the county or counties in which the
22 education improvement district is located in the same manner as ad valorem taxes levied by
23 such county or counties. The proceeds of such taxes so levied, less such fee to cover the costs
24 of collection as may be specified by law, shall be transmitted by the collecting county or
25 counties to the administrative body of the education improvement district and shall be
26 expended by the administrative body of the education improvement district only for the
27 purpose authorized by this section.

28 Paragraph IV. ***Solicitation of private contributions.*** The administrative body of an
29 education improvement district may solicit private donations to support facilities needs.

30 Paragraph V. ***Debt.*** The administrative body of an education improvement district may
31 incur debt, as authorized by law, without regard to the requirements of Article IX,
32 Section V of this Constitution, which debt shall be backed by the full faith, credit, and
33 taxing power of the education improvement district but shall not be an obligation of the
34 State of Georgia or any other unit of government of the State of Georgia other than the
35 education improvement district.

36 Paragraph VI. ***Cooperation with local governments.*** The facilities needs provided
37 pursuant to this section shall be provided for in a cooperative agreement executed jointly

1 by the administrative body and one or more local boards of education or, in the case of a
2 special school or special schools, the governing body or bodies thereof. The provisions of
3 this section shall in no way limit the authority of any local board of education or governing
4 body of a special school to provide facilities needs within any education improvement
5 district. Such cooperative agreements may include, but specifically not be limited to, the
6 transfer of all or a portion of the right, title, interest, and ownership of new facilities or
7 existing facilities or the leasing of such facilities to the local board of education or the
8 governing body of a special school.

9 Paragraph VI. **Regulation by general law.** The General Assembly by general law may
10 regulate, restrict, and limit the creation of education improvement districts and the exercise
11 of the powers of administrative bodies of education improvement districts."

12 SECTION 2.

13 The above proposed amendment to the Constitution shall be published and submitted as
14 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
15 above proposed amendment shall have written or printed thereon the following:

16 "() YES Shall the Constitution of Georgia be amended so as to authorize the General
17 Assembly to provide by local law for the creation and comprehensive
18 () NO regulation of education improvement districts?"

19 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
20 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
21 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
22 become a part of the Constitution of this state.